

Remarks/Arguments

In the Office Action mailed May 14, 2004, claims 20, 22, 23, 26, 27, 29, 31-33 and 36-39 were rejected. Applicants respectfully address the basis for each of the Examiner's rejections below.

Objections to the Specification

On page 2 of the Office Action, the Amendment filed on April 15, 2004, is objected to under 35 U.S.C. § 132 for introducing new matter into the disclosure. Applicants respectfully submit amended claims 20, 27, and 33, believed to overcome the objected to Amendment. Applicants respectfully request entry and allowance of amended claims 20, 27, and 33.

Rejections under 35 U.S.C. § 112

On page 2 of the Office Action, Claims 26, 29, 31-33 and 36-39 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully request reconsideration of amended Claims 26, 29, 31-33 and 36-39. Claims 26 and 29 have been amended to include "wherein the resin is selected from the group consisting of one or more of: phenol, polyisocyanate or a urea formaldehyde," which is supported throughout the Specification, such as in paragraph [0027]. Claims 31 and 36 have been amended to include "wherein the polyisocyanate is selected from the group consisting of RUBINATE 1840TM, a polymethylene polyphenylene ester of isocyanic acid, and PAPI-94TM," which is supported throughout the Specification, such as in paragraph [0027]. Claims 32 and 37 have been amended to include "wherein the fire resistant door includes one or more door skins disposed on one or more surfaces of the inner door core," which is supported throughout the Specification, such as in paragraph [0032]. Claims 38 and 39 have been amended as to matters of form and Claim 39 has been amended to properly depend from Claim 27. Amended Claim 38 and Claim 39 are each believed to contain allowable subject matter that particularly

points out further materials of the inner door core. Support for amended Claims 38 and 39 may be found throughout the Specification, such as in paragraph [0028]. Claim 33, considered to contain allowable subject matter has also been amended to define the inner door core as an inner door core “having a fire resistance rating of at least forty five minutes comprising milled rice straw fiber segments less than 3.0 inches after milling which size provides the at least forty-five minutes fire resistance rating in a matrix of cured resin selected from the group consisting of one or more of polyisocyanate, phenol or a urea formaldehyde, the cured resin comprising between 2% and 10% of the weight of the inner door core,” which is supported throughout the Specification, such as in paragraph [0033].

Applicants believe the amendments to Claims 26, 29, 31-33 and 36-39 require no additional search on the part of the Examiner and respectfully request the amended claims be entered and considered for allowance.

Rejections under 35 U.S.C. § 103

On page 3 of the Office Action, Claims 20, 22, 23, 26, 27, 29, 31-33 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruggie et al. (US Patent No. 5,887,402) in view of Grantham et al. (US Patent No. 6,528,175), the article “ Rice Straw Demonstration Project Fund” Proposed Grant Awards For Fiscal Year 1998-99 Presented for the California Air Resources Board’s Consideration On April 22, 1999, hereafter referred to as “the rice straw article” and Markessini et al. (US Patent No. 6,346,165).

While Applicants respectfully disagree that the claims are obvious over the cited art, Applicants submit amended Claims 20, 22, 26, 27, 29, 31-33 and 36-39, amended to bring the prosecution to a speedy conclusion and to deal justly by Applicant and the public. Claims 20, 27 and 33, have each been amended to include “an inner door core having a fire resistance rating of at least forty five minutes comprising milled rice straw fiber segments. . . after milling which size provides the at least forty-five minutes fire resistance rating in a matrix of cured resin comprising between 2% and 10% of the

weight of the inner door core," which is supported throughout the Specification, such as in paragraph [0033]. Applicants submit that Ruggie does not teach or make obvious each and every element of amended Claims 20, 27 or 33, such as the inner door core having a fire resistance rating of at least forty-five minutes comprising milled rice straw fiber segments that, after milling, have a size that provides the at least forty-five minute fire resistance rating. Because Ruggie does not disclose or make obvious all the necessary elements as arranged in amended Claims 20, 27 or 33, Ruggie fails to render obvious Applicants' invention as set forth in amended Claims 20, 27 and 33. The lack of obviousness cannot be overcome by combining Ruggie with Grantham, "the rice straw article" or Markessini et al, because none of these references teach an inner door core having a fire resistance rating of at least forty-five minutes comprising milled rice straw fiber segments that, after milling, have a size that provides the at least forty-five minute fire resistance rating. Furthermore, there is no suggestion or motivation in Ruggie to prompt one of ordinary skill to selectively and non-inventively combine Ruggie with Grantham, "the rice straw article" or Markessini et al., especially in the arrangement set forth in amended Claims 20, 27, or 33. Nor is there a suggestion or motivation in Ruggie to add the elements set forth in original Claim 23 or amended Claims 22, 26, 27, 29, 31-33 and 36-39.

Applicants believe the amendments to Claims 20, 23, 26, 27, 29, 31-33 and 36-39 require no additional search on the part of the Examiner and respectfully request the amended claims be entered and considered for allowance.

Conclusion

In light of the amendments, remarks and arguments presented above, Applicants respectfully request this Amendment be entered for purposes of Appeal to the Board of Patent Appeals and Interferences and submit that the pending and amended claims require no additional search on the part of the Examiner.

Fees for the Appeal and Extension of Time accompany this Amendment. It is believed that no additional fees are due. If this is incorrect, the Commissioner is authorized to charge those fees, other than the issue fee, that may be required by this paper to Deposit Account No. 07-0153.

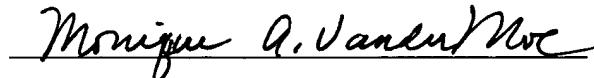
If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

Respectfully submitted,

GARDERE WYNNE SEWELL LLP

Dated: November 15, 2004

1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
(214) 999-4330 - Telephone
(214) 999-3623 - Facsimile



Monique A. Vander Molen
Registration No. 53,716

AGENT FOR APPLICANTS